

1 would also have been applicable in 1990?

2 A To the best of my knowledge, yes.

3 Q But you didn't personally go back and check
4 the logs just to make sure that something hadn't
5 changed in that period of time?

6 A Well, again, we had already, in the previous
7 case, gone back in a -- in -- in a composite week and --
8 -- and checked those numbers.

9 MR. TILLOTSON: Your Honor, if I may, I'd
10 like to have marked for identification, as Brandt
11 Exhibit 4. This is a program log for Friday, March 4,
12 1988. That was among two -- I guess, more or less
13 compositely three extra -- numerous logs, and the idea
14 was to try to get a random sampling of logs throughout
15 the license period.

16 I selected this log and the next one that I'm
17 going to identify out of the stack of logs, this being
18 a weekday, the other one being a Sunday, because it's
19 my understanding, from -- and Mr. Lynch just stated
20 that their programming was fairly consistent throughout
21 the entire license term, and I also --

22 JUDGE SIPPEL: You're telling me that -- the
23 log for what -- what station?

24 MR. TILLOTSON: I'm sorry. This is the log
25 for WYLR for Friday, March 4, 1988.

1 JUDGE SIPPEL: WYLR?

2 MR. TILLOTSON: Correct, and then I would
3 like -- and I'd like to have that marked for
4 identification as Brandt Exhibit 4.

5 JUDGE SIPPEL: All right. The Reporter will
6 mark this document, which is pages 73 through 98 --

7 MR. TILLOTSON: Let me explain the number,
8 Your Honor. I had asked my secretary to use a Bate
9 stamp to number the exhibits, and she numbered them
10 consecutively, starting with Exhibit 3, so, that's why
11 the odd numbering. I'm glad you noticed that.

12 JUDGE SIPPEL: Well, we'll break this down as
13 your Exhibit 4 for identification. How many -- what's
14 the total number of pages of this exhibit?

15 MR. TILLOTSON: Well, it's 73 through 98.
16 So, that would be 25 pages.

17 JUDGE SIPPEL: All right, I'll let you do the
18 counting, 25 pages, and that's identified for the
19 record, at this time, as Brandt Exhibit 4 -- Brandt
20 Exhibit 4 for identification. It's the pages of the
21 program log for WILR --

22 MR. TILLOTSON: Y.

23 JUDGE SIPPEL: WYLR for the date March 4,
24 1988.

25

1 (The document above referred
2 to was Brandt Exhibit #4 was
3 marked for identification.)

4 All right. Do you have that document in
5 front of you, Mr. Brandt -- Mr. Lynch? I'm sorry.

6 THE WITNESS: I do, Your Honor.

7 MR. TILLOTSON: And, Your Honor, I just
8 passed out another document that I'd like to have
9 identified as Brandt Exhibit 5, and that's a log for
10 WYLR for Sunday, June 24, 1990, which was also produced
11 to us in response to a discovery request.

12 JUDGE SIPPEL: What was the date of the log?

13 MR. TILLOTSON: The -- June 24, 1990, and the
14 Bate stamp number in that -- on the bottom of that page
15 runs from 99 through 123, giving us 24 pages, 25
16 pages -- 25 pages.

17 JUDGE SIPPEL: All right, the Reporter will
18 mark that document as Brandt Exhibit #5 for
19 identification, and it will entitled, "The Program Log
20 for WYLR for the day June 24, 1990."

21 (The document above referred
22 to as Brandt Exhibit 5 was
23 marked for identification.)

24 BY MR. TILLOTSON:

25 Q Mr. Brandt -- Mr. -- I'm sorry, I -- I

1 apologize. I keep looking at the name on top of the
2 exhibit. Mr. Lynch, would -- have you looked at those
3 two documents, Brandt Exhibit 4 and Brandt Exhibit 5
4 for identification?

5 A I have.

6 Q And are those, in fact, copies of WYLR
7 program logs that you produced to Brandt, during the
8 course of discovery?

9 A I believe so, yes.

10 MR. TILLOTSON: Your Honor, I'd like to move
11 both exhibits into evidence.

12 JUDGE SIPPEL: Is there any objection?

13 MS. LADEN: No objection, Your Honor.

14 MR. LYNCH: Seeing that the Sunday log is
15 outside the license period, I have a question. I
16 reserve an objection until I find out what's on your
17 mind.

18 JUDGE SIPPEL: It's June 24, 1990. How is
19 that outside the period?

20 MR. TILLOTSON: April of '91, I believe is
21 the date which --

22 MR. LYNCH: No.

23 MR. TILLOTSON: Mr. Lynch, if this were
24 outside the period, then Tri-County Notebook, 1990 to
25 1991, in your proffer, WYLR PSAs 1991, and I could go

1 on, would also be outside the license term, that we
2 could strike those references.

3 JUDGE SIPPEL: Well, do you -- Mr. Lynch, do
4 you withdraw your objection?

5 MR. LYNCH: I do, Your Honor.

6 JUDGE SIPPEL: All right. Then Brandt
7 Exhibits #4 and 5, as identified, are received in
8 evidence as Brandt Exhibits 4 and 5.

9 (The documents heretofore
10 marked for identification
11 as Brandt Exhibits 4 and 5
12 were received in evidence.)

13 MR. TILLOTSON: Thank you.

14 BY MR. TILLOTSON:

15 Q Mr. Lynch, would you look at Brandt Exhibits
16 4 and 5 and this -- and tell us whether these are
17 typical of the appearance and content of WYLR's
18 programming logs and --

19 A They appear to be.

20 Q They appear to be. Could you look on the
21 log, for example, taking -- starting with Brandt
22 Exhibit 4, and you flip through it and you get to --
23 get into the -- I guess, as you get into the log, you
24 see that most of the pages have many check marks on
25 them. Do you see those?

1 JUDGE SIPPEL: Which exhibit are you on now?

2 MR. TILLOTSON: This is Brandt Exhibit 4.

3 BY MR. TILLOTSON:

4 Q And starting, in particular, on page 80, the
5 Bate stamp 81, which is the 6:00 a.m. time slot on
6 Friday, March 4, 1988, and I see that virtually every
7 entry on the page has a check mark next to it. Do you
8 see that?

9 A No, I don't. I -- there are a number of
10 things which are checked. What's checked is, I
11 believe, the commercial announcements.

12 Q Okay. What do the check marks mean?

13 A That the commercial announcement was
14 broadcast as scheduled, you know, for reasons of
15 sending out affidavits or -- or bills.

16 Q So, the only thing that gets checked is a
17 commercial announcement?

18 A Precise -- well, again, as I testified in
19 Skedelsky, yeah, the program elements here. The reason
20 we had the discrepancy sheet is if the program element
21 was not run or delayed out of sequence or something, we
22 used the discrepancy sheet to alert the traffic or
23 bookkeeping department there was a -- or program
24 management department that there was a problem in this.

25 Q Why would it be important to alert them that

1 there was a problem with say running Tri-County
2 Notebook, as opposed to alerting them on the
3 discrepancy sheet that there was a problem running a
4 commercial for an advertiser?

5 A The discrepancy sheet also alerted them to
6 commercial advertisers, if you look through the rest of
7 what I sent you.

8 A discrepancy is if anything discreps.
9 Again, it was our policy, at the time, that -- you
10 know, that we would check off the commercial
11 announcements, announced as run, because we would send
12 out affidavits on a number of them, and this is my way
13 of looking at my announcers swearing and signing off
14 that these announcements were run as scheduled. Again,
15 that's an external factor. The internal factor is if a
16 date machine broke and we couldn't get an ABC network,
17 or if a line was down or something like that, that's an
18 internal function, which, again, was addressed on the
19 discrepancy sheet, but we didn't see the necessity of
20 checking off every single thing.

21 Q Would you look at the -- Brandt Exhibit 5 and
22 take your -- direct your attention to page 113, 114,
23 115 and so on. Do you see that?

24 A Yes.

25 Q Now, starting on page 113, I see a check mark

1 next to Tri-County Weather. Do you see that?

2 A Yes.

3 Q And I see a check mark next to Tri-County
4 Notebook. Correct?

5 A Yes.

6 Q And then down again, I see a check mark next
7 to Tri-County Weather?

8 A Yes.

9 Q And then I see something written in and a
10 check mark next to 8 -- one of the entries, play ABC
11 spot, I can't make out. Something is written in there
12 and a check mark?

13 A Yes.

14 Q Okay, and then I turn on the next page, Tri-
15 County Notebook, Tri-County Weather, Tri-County
16 Weather, all check marks, right? Station ID has an X
17 next to it. I assume that's like a check mark.
18 Correct? That's page 114?

19 A Yes.

20 Q And I believe --

21 JUDGE SIPPEL: Going back to 113, what about
22 the check mark at the right -- far right hand column
23 next to Duffy's Tavern? Isn't that a check mark too?

24 MR. TILLOTSON: Yes, I -- I was -- yeah. I
25 guess what I was doing was focusing his attention, Your

1 Honor, on the fact that the things that he referred to
2 as program elements, Tri-County Notebook and Tri-County
3 Weather are, in fact, checked by this particular
4 announcer, and I believe, if you look on the front
5 sheet, the same announcer is on the air from 6:00 a.m.
6 until -- well, this -- this is midday, right, from noon
7 until 1900, so, on the pages we're looking at, these
8 are all the same announcer, until we get to 7:00
9 o'clock. Correct?

10 THE WITNESS: Yes.

11 BY MR. TILLOTSON:

12 Q Okay. Now, on page 100 -- 115, I see, at the
13 top of the page, where Tri-County Local News is
14 checked, I see Tri-County Weather is checked, but Tri-
15 County Notebook is not checked?

16 A Yes.

17 Q Now, would that map -- would a reasonable
18 interpretation of this log be that, for some reason,
19 Tri-County Notebook did not, in fact, run at the time
20 scheduled on that date?

21 A No, because if you look at the rest of the
22 pages, it seems as if we go along in Cynthia Senecal's
23 shift. Page 116, the weather wasn't checked, the
24 notebook wasn't checked, the -- two -- well, the
25 commercial --

1 Q But Mr. Lynch, my question is --

2 A No, it was not --

3 Q Why is it, since the announcer is making --
4 is checking off the programs, as they -- apparently as
5 they run, why isn't the correct assumption that if it's
6 not checked, maybe there was nothing to be broadcast at
7 that point in time, maybe it didn't run on that day?

8 A I -- if you have specific knowledge of that,
9 I'd be curious where. My interpretation of this, and,
10 again, knowing the person, we did have a number of
11 detail problems. She would be good for a while, and
12 then she would miss some technicalities behind the
13 scenes. I think any -- the other two gentlemen would
14 be more than happy to testify to that, because it's the
15 truth. She would just miss details on a regular basis.
16 I --

17 JUDGE SIPPEL: Do we know who this person is?

18 THE WITNESS: Cynthia Senecal. She was an
19 employee of the station on a part -- approaching full
20 time basis for about a year and a half and --

21 JUDGE SIPPEL: How do you spell her name?

22 THE WITNESS: S-e -- S-e-n-e-c-a-l.

23 JUDGE SIPPEL: S-c --

24 THE WITNESS: S-e 00

25 JUDGE SIPPEL: S-e-n --

1 THE WITNESS: E-c-a-l.

2 JUDGE SIPPEL: E-c-a-l, and who supervises
3 Senecal?

4 THE WITNESS: In this case, in 1990, it would
5 have been Bob Barrett, Program Director of WYLR, but
6 over the period of time, she was also under the
7 supervision of Dave Cobby, who was the Station Manager
8 and in charge of technical specialty. They were both
9 at the radio stations.

10 JUDGE SIPPEL: And it was her job to do what,
11 to -- to check off these things on the notebook, on the
12 -- on the -- I'm sorry, on the --

13 THE WITNESS: Log.

14 JUDGE SIPPEL: On the logs?

15 THE WITNESS: The specific job was to check
16 off, at a minimum, the commercial announcements, and,
17 quite honestly, if you look at the rest of the days,
18 the rest of the logs, it was optional, pretty much A to
19 Z, to -- to check off the other program items. You
20 know, if you assumed that the few that she did not
21 check off didn't run, you'd have to go through the rest
22 of the week and assume that we did not news whatsoever,
23 no weather, no, you know --

24 JUDGE SIPPEL: Who instructed her in terms of
25 how to do her job?

1 THE WITNESS: Bob Barrett would be the
2 original person in charge of this and has previously
3 admitted we have made some errors on the logs. I have
4 believe we have corrected. We're now checking
5 everything. We've done what we can to turn the
6 situation around, once we became aware of it.

7 JUDGE SIPPEL: And -- and she was with you
8 for what period of time?

9 THE WITNESS: I believe a year to a year and
10 a half.

11 JUDGE SIPPEL: Can you give me a year though
12 of -- 1990, '89?

13 THE WITNESS: 1990 obviously.

14 JUDGE SIPPEL: Is this a hard question?

15 THE WITNESS: Two radio stations live
16 virtually all the time were part time people. Yeah,
17 that's relatively a rough question. She -- she was --
18 she left us last -- somewhere, I believe, early '91,
19 and she was there for a year, a year and a quarter
20 before that time. I believe she left in the spring of
21 '91 and probably started late winter or spring of '90.

22 JUDGE SIPPEL: And she -- and she maintained
23 the -- she maintained the logs to -- in this fashion?
24 She checked off things that were actually broadcast.
25 Is that right?

1 THE WITNESS: I wasn't reviewing the logs. I
2 -- I think, basically, she made errors in a number of
3 different logs.

4 JUDGE SIPPEL: I'm not asking you what she
5 did? Do you know what she did?

6 THE WITNESS: She checked off some of the
7 things and she didn't check off others.

8 JUDGE SIPPEL: No, I'm asking you what her
9 job was. Was her job --

10 THE WITNESS: Her job was to run the air
11 programs at various times during the day.

12 JUDGE SIPPEL: What was her job with respect
13 to the logs?

14 THE WITNESS: To maintain the logs.

15 JUDGE SIPPEL: That was her job?

16 THE WITNESS: Yes.

17 JUDGE SIPPEL: Did you ever show her what to
18 do?

19 THE WITNESS: I didn't. No.

20 JUDGE SIPPEL: Did you ever spot check her to
21 see what she was doing?

22 THE WITNESS: Unfortunately, no, I didn't.

23 JUDGE SIPPEL: Okay.

24 Go ahead. Excuse me.

25

1 BY MR. TILLOTSON:

2 Q Did -- did you personally every instruct any
3 employee about what they were supposed to check and not
4 check on logs?

5 A The -- the Program Directors --

6 Q The question is did you personally ever
7 instruct anyone?

8 A Yes.

9 Q Was that a normal thing for you to instruct
10 them?

11 A No.

12 Q What instructions did you give, insofar as
13 you did give instructions, to people maintaining a log
14 about what they were supposed to check as they went --
15 you know, how they were supposed to maintain a log
16 regarding -- indicating what they were to do there?

17 A Over a bulk of the license period, I -- I
18 didn't really give specific instructions to line
19 people. I had a Program Manager or Station Manager,
20 who was a first class engineer, who had been working
21 for the radio station for well over 20 years, and that
22 was his specific job.

23 There are written guidelines as far as
24 logging. At that time, the FCC required licenses, so
25 with the license, we assumed that people were aware of

1 logging, and the AM Program Director and the FM Program
2 Director were specifically in charge of monitoring the
3 logs, but at that point in time, the station policy was
4 that we were trying to check off paid commercials, you
5 know, as I explained, as an external matter.

6 Q The emphasis would be on checking off
7 commercials because you needed to know if a commercial
8 ran or didn't run to effect the billing. Correct?

9 A Yeah. It was an external matter and -- and,
10 yes.

11 Q So, it's -- is it fair to say that the
12 emphasis on keep -- on both checking things off and on
13 noting discrepancies, meaning things that didn't run as
14 scheduled, was on commercials?

15 A No.

16 Q It is not correct?

17 A No, it isn't.

18 Q In what way is that incorrect?

19 A The emphasis is on discrepancies, period,
20 given that we had -- had an under -- a policy that the
21 commercials were checked and the program announcements
22 were not checked. The policy was also a discrepancy
23 sheet. If a program did not run, it was put on the
24 discrepancy sheet, whether it was paid, unpaid, news,
25 sports or weather.

1 Q And the policy -- the policy was, as
2 articul -- as explained to the staff, that you check
3 all commercials but you don't have to check programs.
4 That's optional. Correct?

5 A Yes.

6 Q But if a commercial or a program doesn't run,
7 it's very important to write it the discrepancy sheet?

8 A I don't know what specific instructions were
9 given. I have to delegate some things, in running a
10 radio station. Yes, it is important to follow down why
11 something discreps. If a cartridge isn't there, it can
12 be re-recorded, if a program is not run, there has to
13 be a good reason why it was no run. So, it doesn't run
14 in perpetuity. Perhaps, some errors were made over the
15 years, but that was basically what we tried to do with
16 our files.

17 Q Tri-County Notebook was a community calendar,
18 correct, basically?

19 A Basically, yes.

20 Q And wouldn't there be times when there
21 wouldn't be any events that would be calendared? In
22 other words, isn't it -- weren't there times when there
23 simply wouldn't be a card for Tri-County Notebook,
24 because there would be groups of organizations, you
25 know, that weren't having anything this week that you

1 needed to promote or push?

2 A Tri-County Notebook was a live program, and
3 for all intents and purposes, I'm not aware of any
4 period in time when there was nothing to push on Tri-
5 County Notebook. Usually it's a question of too many
6 things in there, but we can push something -- if there
7 are too few things, we can push something a week out or
8 three days out or two weeks out, if we have to. I'm --
9 again, I don't remember specifically any time that we
10 didn't have community events going on the air.

11 Q But you -- you state, in -- on page 15 of
12 Exhibit 6 that Tri-County Notebook was a 30 second
13 community events program. Is that accurate?

14 A It was logged for 15 seconds. It would run
15 anywhere --

16 JUDGE SIPPEL: Wait. Hold it a second. What
17 exhibit are you on?

18 MR. TILLOTSON: I'm looking at his Exhibit 6,
19 page 15.

20 JUDGE SIPPEL: I'm sorry. All right, go
21 ahead. I didn't mean to interrupt. Go ahead.

22 BY MR. TILLOTSON:

23 Q And my question was, where did you come up
24 with the 30 seconds?

25 A 30 seconds was a good faith approximation of

1 the exact amount of time. The spots themselves would
2 run anywhere from 15 to 30, or more, depending on what
3 we -- what we had to talk about, and to be quite honest
4 on this, probably 23 -- 24 seconds would be more
5 accurate than 30 seconds.

6 Q Uh-huh, and the log reflects 15 seconds.
7 Correct?

8 A It does, yes.

9 Q Going down below that, if you'll look at the
10 WYLR PSAs, you say that approximately 110 a week and
11 that the total duration is -- averages 58.5 minutes a
12 week. How did you come up with those numbers?

13 A As stated in the proffer, I actually counted
14 up the number of -- once we had our logging, you know,
15 more correct, or, you know, we -- we filled the
16 shortcomings that came out on Skedelsky, et. al., I
17 took those early on, what I thought were accurate logs.
18 We didn't make any major programming changes or -- in -
19 - in time or amount or whatever, but we -- I actually
20 sat down with the logs from that period of time and
21 counted the exact amount of public service and the
22 other items.

23 Q And what period of time would that have been?

24 A What period of time would what have been?
25 I'm sorry?

1 Q When you took the logs and counted them?

2 A It would probably be a couple of -- about a
3 month to a month and a half before -- before we put in
4 the proffer of programming.

5 Q In other words, in 1992?

6 A Yes.

7 Q And you didn't go back and see whether that
8 representation was accurate for the year that you're
9 stating it, which is 1990 and 1991? You did not look
10 at logs in 1990 and 1991 to see if you were averaging
11 110 or even 10 PSAs a week, did you?

12 A No. We sat down in the -- with the week that
13 we state in the proffer. We came up with, as close as
14 humanly possible, with an exact number for weather,
15 news, newscasts.

16 Q Mr. Lynch, you're not answering my question.
17 My question -- I heard what you did with the 1992 logs
18 that you looked at. My question to you is the
19 representation is that in 1990 and '91, something ran
20 for so many number of times and so many minutes, on
21 average, and my question is did you look at any 1990
22 and 1991 logs to see if, in fact, you had any records
23 to back up the representation that you were making,
24 under oath, to the Federal Communications Commission?

25 A Again, before this period of time, our

1 logging was inadequate and -- and we know it. I looked
2 back at a number of logs earlier --

3 JUDGE SIPPEL: Mr. Lynch, you're not --
4 you're not answering his question. You've got to
5 listen to his question.

6 THE WITNESS: I did look at some earlier
7 logs, specifically, the ones that you asked for in --
8 in your discovery request. Again, they were inadequate
9 and they did not reflect --

10 BY MR. TILLOTSON:

11 Q Any public service announcements, did they?

12 A They -- no.

13 Q Zero public service announcements. Isn't
14 that correct?

15 A You're going to have to give me the logs,
16 because --

17 Q Well, you've got two of them right there.
18 Could you tell me how many public service announcements
19 you count on the -- on Exhibit 4?

20 A A minimum of 18, one per hour, 6:00 a.m. to
21 midnight.

22 Q How many public service announcements on
23 Brandt Exhibit 4 that actually show up the log? Could
24 you go through the log and tell us how many PSAs? I
25 would assume 110 a week. You're running more than 10 a

1 day, 15 a day. Right?

2 A Precisely.

3 Q Okay. Can you show us 15 logs -- 15 public
4 service announcements and tell us what page?

5 JUDGE SIPPEL: This is Brandt Exhibit 4,
6 which is the log for March the 4th, 1988?

7 MR. TILLOTSON: Right.

8 THE WITNESS: Oops.

9 JUDGE SIPPEL: Okay, you've got the right one
10 now, Mr. Lynch?

11 THE WITNESS: Yes, Your Honor.

12 JUDGE SIPPEL: Okay.

13 THE WITNESS: Okay, page 81, Tri-County
14 Notebook.

15 BY MR. TILLOTSON:

16 Q Excuse me. Tri-County Notebook is not a --
17 and if I'm -- unless I misunderstood you, you have Tri-
18 County Notebook, which is your community events, and
19 then, in addition to that, you broadcast public service
20 announcements. You're not double counting those on us,
21 are you?

22 A Pardon?

23 Q You're not counting Tri-County Notebook twice
24 on page 15? In other words, you're --

25 A Tri-County Notebook, by definition, I believe

1 is a public service announcement.

2 Q No. You list Tri-County Notebook, and you
3 claim that they're approximately 120 of those and they
4 last 30 seconds in length, and that's an hour a week,
5 on page 15. Correct?

6 JUDGE SIPPEL: Don't go too fast on him, Mr.
7 Tillotson.

8 MR. TILLOTSON: I'm sorry.

9 BY MR. TILLOTSON:

10 Q Look -- look on page 15 of your testimony.

11 JUDGE SIPPEL: Are you talking about his
12 Exhibit 6, page 15?

13 MR. TILLOTSON: Correct.

14 JUDGE SIPPEL: All right. Do you have that
15 page in front of you, Mr. Lynch?

16 THE WITNESS: Exhibit 6, page 15, yes.

17 JUDGE SIPPEL: You have that now? You're
18 sure you have it? Do you have it?

19 THE WITNESS: Exhibit 6, page 15, Your Honor.

20 JUDGE SIPPEL: All right, and now what else
21 do you want him to compare that with?

22 BY MR. TILLOTSON:

23 Q Well, now, I just want him to look, and you
24 have listed Tri-County Notebook, and you tell us it
25 runs seven days a week, and it averages an hour a week,

1 it runs 30 seconds in length, and there are 120 logged
2 per week, on the average. Correct?

3 A Uh-huh.

4 Q Now, the next statement down is WYLR PSAs,
5 and you say that those run seven days a week and they
6 average 58.5 minutes per week and that there are
7 approximately 110 of those per week. Correct?

8 A Yes.

9 Q Now, surely those -- you're claiming that
10 those are separate entries?

11 A Yes.

12 Q So, you can't -- you're not going to tell us
13 now, are you, that Tri-County Notebook is what you're
14 referring to when you said PSAs, are you?

15 A What I'm saying is what I said in my proffer,
16 that the totals for news, sports, weather, PSAs, and I
17 am quoting, "And Tri-County Notebook were hand counted
18 by Normandy President, Christopher P. Lynch, from logs
19 from the week of February 11, 19 --

20 Q We understand that, Mr. Lynch, and now I'm
21 asking you to look at the log for Friday, March 4,
22 1988, and show us where, if anywhere, there is a single
23 public service announcement on that log?

24 JUDGE SIPPEL: That's Brandt Exhibit --

25 MR. TILLOTSON: Brandt Exhibit 4.

1 JUDGE SIPPEL: At page 81. Do you understand
2 his question? He has to find out where this single PSA
3 is located.

4 MR. TILLOTSON: Correct.

5 THE WITNESS: I do not see a PSA on that day.

6 BY MR. TILLOTSON:

7 Q Now, would you look at the log for June 24,
8 Brandt Exhibit 5, and see if you see any PSAs logged on
9 that day?

10 A No, I don't see any PSAs logged.

11 Q And those -- those are typical logs, correct?
12 If we -- I have a bunch of other logs you gave us, but
13 if we went through the other logs, we would find
14 essentially the same result, zero PSAs logged. Is that
15 correct?

16 A Is that your testimony?

17 Q I'm asking you?

18 A I don't know.

19 JUDGE SIPPEL: He's asking do you agree with
20 him?

21 BY MR. TILLOTSON:

22 Q I'm asking do you agree with me? I have the
23 logs here, Mr. Brandt -- Mr. Lynch.

24 JUDGE SIPPEL: All right, now, Mr. Tillotson,
25 okay, you said this was going to be just a short cross

1 examination and it's noon.

2 MR. TILLOTSON: Yes.

3 JUDGE SIPPEL: It sounds to me like you're
4 going to be here for a little bit longer.

5 MR. TILLOTSON: Not very much, Your Honor.
6 This is really towards the end of the cross
7 examination. I am just trying to establish the point.

8 JUDGE SIPPEL: All right.

9 MR. TILLOTSON: And if he wants that --

10 JUDGE SIPPEL: All right. Well, let's see --
11 let's see what we can do. I'd like to finish this.

12 MR. TILLOTSON: You know what I'd like to
13 do --

14 JUDGE SIPPEL: I'd like to get him off the
15 stand before we go to lunch.

16 MR. TILLOTSON: These are not being offered
17 as exhibits. These are various logs that we -- that
18 were presented to us, and I'd like Mr. Lynch to pick
19 any -- one or two of these logs, at random, and let's
20 go through it and then tell us how many public service
21 announcements were finally logged on a given day.

22 (Discussion off the record.)

23 JUDGE SIPPEL: Let's go back -- let's go back
24 on the record.

25